

REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

At the outset, applicant's counsel wishes to express his appreciation for the thorough examination of this application by Examiner McCreary.

By this Amendment, and in order to advance prosecution, independent claims 1 and 9 have been amended to more particularly point out applicant's invention. Claims 2 and 8 have been canceled without prejudice.

Claim 1 has been amended to particularize applicant's unique arrangement of a flexible ballast container having a pair of internal compartment members each terminating in a distal extremity spaced inwardly from said peripheral seal to define a passageway extending internally of said container common with the peripheral seal of the container whereby the pair of compartment members defines an X-shaped arrangement of ballast compartments and wherein the ballast compartments are in communication with each other through a central passageway defined by and extending between the pair of internal compartment members.

None of the references being chiefly relied upon by the Examiner even remotely discloses or suggests such combination of features. In **Dombey**, there is no enabling disclosure that the "vessel" described in this document is flexible, and of course, **Dombey's** apparently "rigid" device requires grid-like plural partitions and definitely lacks an X-shaped partition formed of a pair of internal compartment members having a central passage therethrough as disclosed and claimed only by applicant.

The **Hall** patent, although disclosing a flexible ballast container, fails to even vaguely teach or suggest applicant's unique X-shaped partition formed of a pair of compartment boundary members defining ballast compartments that communicate with a region common to the periphery of the container and with each other through a central passageway in the X-shaped partition, all as now set forth in detail in claim 1, particularly as amended herein.

Accordingly, claim 1, as amended, now clearly avoids the Examiner's rejection under 35 USC § 102 as being anticipated by either **Dombey** or **Hall**, and this claim therefore should now be allowed forthwith.

Claims 3-7 depend from and further restrict claim 1. Because these dependent claims inherit the patentably distinct

features of claim 1, as amended, they also are believed allowed for at least the same reasons advanced above.

Independent claim 9 also has been amended to avoid **Dombey** and/or **Hall**. Thus, claim 9 now specifies a flexible, hollow, substantially rectangular-shaped bladder being formed from a top wall and a bottom wall sealed together along its peripheral edge and wherein the bladder has an X-shaped internal partition formed by (i) welding together first portions of the top wall and the bottom wall to form a first half of the X-shaped internal partition, and (ii) by welding together second portions of the top wall and the bottom wall to form the second half of the X-shaped partition.

It is apparent that **Dombey** with its grid-like pattern of vertical walls and **Hall** with similar vertical partition 17 and 17' each fails to meet such detailed and unique structure.

Accordingly, claim 9, as amended, now clearly avoids the Examiner's rejection under 35 USC § 102 as being anticipated by either **Dombey** or **Hall**, and this claim therefore also should now be allowed forthwith.

Claims 10-12 depend from and further restrict claim 9. Because these dependent claims inherit the patentably distinct features of claim 9, as amended, they also are believed allowed for at least the same reasons advanced above.

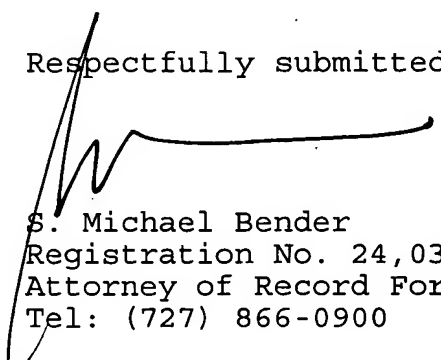
It is noted with due appreciation that the drawings have not been objected to by the Official Draftsperson under 37 CFR 1.84 or 1.152..

All grounds of objection and rejection having been overcome by this Amendment, the application now is believed to be in condition for immediate allowance containing allowed claims 1, 3-7, and 9-12, and such favorable action earnestly is solicited.

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The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

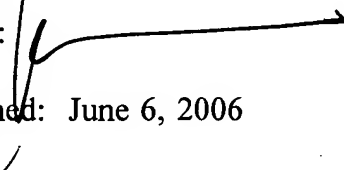
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this **Amendment Under 37 CFR § 1.111** is being deposited on June 6, 2006 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature: 

Date Signed: June 6, 2006